

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

R. ALEXANDER ACOSTA,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

TILE RESTORATION, INC., DAVID
ALBRITTON, an individual; and BRAD
ALBRITTON, an individual;

Defendants.

CASE NO.

4:18-cv-00070-D

CONSENT
ORDER

This cause came on for consideration upon the parties' motion and consent to the entry of this Judgment, without further contest. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendants Tile Restoration, Inc., David Albritton, and Brad Albritton (referred to herein collectively as "Defendants"), their agents, servants, employees and all persons in active concert or participation with them who receive actual notice hereof, are permanently enjoined from violating the provisions of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et seq., hereinafter referred to as the Act, in any of the following manners:

1. They shall not, contrary to §§ 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207 and 215(a)(2), employ any employee in commerce or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for more than 40 hours in a workweek unless such employee is compensated

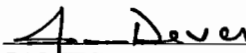
for such hours in excess of 40 at an overtime rate of at least one and one-half times the regular rate at which such employee is employed.

2. They shall not, contrary to §§ 11(c) and 15(a)(5) of the Act, 29 U.S.C. §§ 211(c) and 215(a)(5), fail to make, keep and preserve adequate and accurate employment records as prescribed by Regulation found at 29 C.F.R. § 516.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that between August 22, 2015 and August 21, 2017, Defendants failed to pay wages to their employees as required under the Act in the total amount of \$36,712.00. Under the Act, therefore, Defendants are or were liable to the employees listed on Appendix A [Docket No. 1-2] for back wages in the total amount of \$36,712.00, plus liquidated damages in the amount of \$36,712.00. Defendants have, before entry of this Order, made payment of the back wages and liquidated damages owed to these employees. The private rights, under the Act, of any employee of Defendants not named in said Appendix A shall not be terminated or otherwise adversely affected by this proceeding.

IT IS FURTHER ORDERED that each party shall bear its own attorney's fees and expenses incurred by such party in connection with any stage of this case, including but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

SO ORDERED. This 24 day of July 2018.



JAMES C. DEVER III
Chief United States District Judge